

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NORTH CAROLINA
WILMINGTON DIVISION**

IN RE:

**Jesus Vasquez, Jr.
Penney Leigh Vasquez**
Debtors

**Jesus Vasquez, Jr.
Penney Leigh Vasquez**
Plaintiffs

v.

JPMorgan Chase Bank, N.A.
Defendant

**CASE NO. 19-01841-5-SWH
Adv. Proc. No. 19-00100-5-SWH
CHAPTER 7**

MOTION TO DISMISS COMPLAINT

NOW COMES JPMorgan Chase Bank, N.A. (herein, “Defendant”) by and through the undersigned counsel and hereby respectfully moves the Court for Dismissal Plaintiffs’ Complaint on the basis that the Complaint fails to state a claim pursuant to Fed. R. Civ. P. 12(b)(6) as made applicable herein pursuant to Fed. R. Bankr. P. 7012(b).

Based upon the foregoing Motion and argument set forth in the Memorandum of Law filed contemporaneously herewith, Defendant respectfully requests that the Court grant dismissal of Plaintiffs’ Complaint for failure to state a claim under Rule 12(b)(6); for fees and costs of this

action; and for any other relief the Court deems just and proper.

This is the 21st Day of August 2019.

BROCK & SCOTT, PLLC

Attorney for JPMorgan Chase Bank, N.A.

/s/ Neil D. Jonas

Neil D. Jonas

N.C. Bar No. 31622

8757 Red Oak Blvd., Suite 150

Charlotte, NC 28217

Ph: (704) 369-0676

Fax: (704) 369-0760

neil.jonas@brockandscott.com

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NORTH CAROLINA
WILMINGTON DIVISION**

IN RE:

Jesus Vasquez, Jr.

Penney Leigh Vasquez

Debtors

Jesus Vasquez, Jr.

Penney Leigh Vasquez

Plaintiffs

v.

JPMorgan Chase Bank, N.A.

Defendant

CASE NO. 19-01841-5-SWH

Adv. Proc. No. 19-00100-5-SWH

CHAPTER 7

CERTIFICATE OF SERVICE

The undersigned hereby certifies under penalty of perjury that he/she is over eighteen (18) years of age and that the MOTION TO DISMISS in the above captioned case were this day served upon the below named persons by electronic service and/or mailing, postage prepaid, first class mail a copy of such instrument to each person(s), parties, and/or counsel at the addresses shown below:

Richard Preston Cook
7036 Wrightsville Ave., Suite 101
Wilmington, NC 28403
Served via CM/ECF

This is the 21st Day of August 2019.

/s/ Lenika Kirkham-Young
Lenika Kirkham-Young
Brock & Scott, PLLC
8757 Red Oak Blvd., Suite 150
Charlotte, NC 28217
Ph: (704) 369-0676
Fax: (704) 369-0760